



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: June 3, 2013

Table A. Summary			
Application Summary			
Case Number	Z1300003	Jurisdiction	City
Applicant	Hanna Fares	Submittal Date	February 7, 2013
Reference Name	800 West Cornwallis	Site Acreage	0.174
Location	800 West Cornwallis Road, between Legion Avenue and Hope Valley Road		
PIN(s)	0810-08-99-9231		
Request			
Proposed Zoning	Commercial General (CG)	Proposal	Unspecified commercial
Site Characteristics			
Development Tier	Urban Tier		
Land Use Designation	Medium Density Residential (6-12 DU/Ac.)		
Existing Zoning	Residential Suburban – 10 (RS-10)		
Existing Use	Vacant		
Overlay	N/A	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Third Fork Creek
Determination/Recommendation/Comments			
Staff	Staff determines that, should the plan amendment be approved, this request would be consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinances.		
Planning Commission	Approval, 13-0 on April 9, 2013. The Planning Commission finds that the ordinance request is not consistent with the adopted <i>Comprehensive Plan</i> . However, should the plan amendment be approved, the request would be consistent with the <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.		
DOST	No comments		
BPAC	No comments		

## A. Summary

This is a request to change the zoning designation of a 0.174-acre site for proposed additional parking for the adjacent tenant to the west (2715 Durham-Chapel Hill

Boulevard) (not committed). The site is located at 800 West Cornwallis Road between Legion Avenue and Hope Valley Road (see Attachment 1, Context Map). This zoning request is not consistent with the future land use map designation of the *Comprehensive Plan* which designates the site as Medium Density Residential (6-12 DU/Ac.). A plan amendment request (Case A1300002) to designate the entire site as Commercial has been requested and is being supported by staff. Should the plan amendment be approved this case would be consistent with the *Comprehensive Plan* and applicable policies and ordinances.

Appendix A provides supporting information.

## **B. Site History**

There have been no recent zoning map change requests for this site.

## **C. Review Requirements**

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of the City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

## **D. Unified Development Ordinance (UDO) Compliance**

This request is consistent with the requirements of the Unified Development Ordinance. There is no development plan associated with this request. As such, there are no voluntary limitations imposed to the requested CG zoning district.

Appendix D provides supporting information.

**Determination.** If the requested CG zoning district is approved, this request would allow for a range of uses that includes multifamily residential, education and medical facilities, places of worship, utilities, indoor and outdoor recreation, overnight accommodations, commercial, self-storage, vehicle sales and services, and office uses. The intensity of the development would be determined by the site's constraints and the need to meet all ordinance standards.

**Minimum size standards.** The subject parcel does not meet the minimum lot width standard for the CG district of 100 feet. Additionally, the minimum site area for development in the CG district is 20,000 square feet. To meet these minimum standards, a recombination plat would be required prior to site plan approval as well as including the minimum site area for development on this site.

**Project boundary buffers.** Although not committed, the applicant proposes that the subject site to be utilized as additional parking for the adjacent retail use. Development as such would require a 0.8 opacity/22.5-foot buffer against the existing RS-10, single-family house to the east. The lot is 50 feet wide which would leave 27.5 feet in width of developable area. The actual number of permissible additional spaces would be determined by the overall site layout at the time of site plan.

## E. Adopted Plans

A zoning map change request must be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

**Determination.** The requested CG zoning district is not consistent with Future Land Use Map of the *Comprehensive Plan* which designates this site as Medium Density Residential (6-12 DU/Ac.). A plan amendment (Case A1300002) to designate the site as Commercial has been requested and is being supported by staff.

Conditions in other adopted plans have been identified (see Appendix E, Table E):

**Long Range Bicycle Plan Map 4.5.** There is one condition shown as a recommendation of the Long Range Bicycle Plan Map 4.5. A proposed bicycle lane is shown along West Cornwallis Road. There is no development plan associated with this request. Therefore, no commitments can be made regarding these related policies.

## F. Site Conditions and Context

**Site Conditions.** This 0.174-acre site is comprised of one parcel at 800 West Cornwallis Road. Despite aerial photography of 2011 showing the site as tree-covered (see Attachment 3) it has since been cleared, covered with gravel, and enclosed with a wooden fence.

**Area Characteristics.** This site is in the Urban Tier and adjacent to a commercially developed thoroughfare, a middle school, and an urban residential neighborhood. The commercial strip is comprised of a variety of uses including personal services, banks, convenience stores, restaurants, and offices. There are four single-family residential properties to the east of the subject parcel that complete the block; one of which appears to be owner-occupied and the remaining three are owned by two separate owners residing at different addresses according to the tax records.

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

**Determination.** The proposed CG district meets the ordinance requirements in relation to development on the subject site.

## G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

**Determination.** The proposed CG district is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of traffic, transit, utility, drainage/stormwater, schools and water supply. The proposal is estimated to increase traffic by 129 vehicles per day and decrease water demand by 3 gallons per day. The students generated by the site remains the same; at zero students. The existing infrastructure has available capacity to meet these needs.

## H. Staff Analysis

This request, should the plan amendment be approved, is consistent with the *Comprehensive Plan* and other policies and ordinances. If the requested CG zoning designation were approved, a range of uses would be permissible. The applicant is proposing to provide additional parking for the adjacent use to the west; however, without a development plan there is no mechanism to enforce this assertion.

## I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Hanna Farres	Ph: 919-416-0600	fares@threeseasonscatering.com

## J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress

## K. Summary of Planning Commission Meeting April 9, 2013 (Case Z1300003)

**Plan Amendment Request:** Medium Density Residential (6-12 DU/Ac.) to Commercial.

**Zoning Map Change Request:** RS-10 to CG.

**Staff Report:** Ms. Jacobson and Ms. Wolff presented the staff report.

**Public Hearing:** Chair Jones opened the public hearing. One person spoke in favor and none against. Chair Jones closed the public hearing.

**Commission Discussion:** Discussion centered on parking and access.

**MOTION:** Approval of the Plan Amendment (Ms. Beechwood, Ms. Mitchell-Allen 2<sup>nd</sup>).

**ACTION:** Motion carried, 13-0.

**MOTION:** Approval of the Zoning Map Change. (Ms. Board, Mr. Harris 2<sup>nd</sup> )

**ACTION:** Motion carried, 13-0.

**Findings:** The Planning Commission finds that the ordinance request is not consistent with the adopted *Comprehensive Plan*. However, should the plan amendment be approved, the request would be consistent with the *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

## L. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: 1. Context Map 2. Future Land Use Map 3. Aerial Photography 4. Application 5. Owner's Acknowledgement 6. Submittal and Review History
Appendix B	Site History	N/A
Appendix C	Review Requirements	N/A
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts

Table K. Supporting Information		
		Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	N/A
Appendix I	Contacts	N/A
Appendix J	Notification	N/A
Appendix K	Summary of Planning Commission Meeting	Attachments: 7. Planning Commissioner's Written Comments 8. Ordinance Form

## Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Application
5. Owner's Acknowledgement
6. Submittal and Review History

## Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
<b>CG</b>	<b>Commercial General</b> - the <b>CG</b> district is established to provide for a wide variety of commercial activities of varying scales that are designed to be served by major thoroughfares. It is the intent of this district to provide sufficient size and depth of property to meet business needs, yet maintain safe traffic flows. Businesses in this district should be sited convenient to automotive traffic. Development in the CG District should provide safe pedestrian access to adjacent residential areas.

Table D2. District Requirements – CG			
	Code Provision	Required	Proposed
Minimum Site Area (square feet)	6.10.1.C	20,000	20,000*
Minimum Lot Width (feet)	6.10.1.C	100	100*
Maximum Street Yard (feet)	6.10.1.C	15	15*
Minimum Side Yard (feet)	6.10.1.C	15	15*
Minimum Rear Yard (feet)	6.10.1.C	25	25*
Maximum Height (feet)	6.10.1.C	50	50*

\*To be addressed through the submittal of a site plan for future development.

## Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
<b>Future Land Use Map</b>	<p><b>Commercial:</b> Land used primarily for retail, entertainment, office, and services.</p> <p><b>Medium Density Residential (6-12 DU/Ac.):</b> Land primarily used for a range of residential uses between six and twelve dwelling units per acre.</p> <p><b>Urban Tier:</b> Generally, land developed with small lot sizes in traditional grid patterns and differing uses in proximity to one another with access to urban services and provides opportunities for infill and redevelopment.</p>
<b>2.2.3a</b>	<b>Urban Tier Development Focus.</b> Ensure that new development enhances the street level experience by requiring that development within the Urban Tier have an urban form with small lot sized and proximity of uses.
<b>2.2.3b</b>	<b>Urban Tier Land Uses:</b> Land uses that shall be allowed include Recreation and Open Space, Residential, Institutional, Commercial, Office, and Industrial.
<b>2.2.3d</b>	<b>Urban Tier Commercial Development:</b> discourage auto-oriented commercial “strip” development and instead encourage pedestrian-oriented “nodes” and, pedestrian friendly “linear” corridors of commercial development and infill.
<b>2.2.3e</b>	<p><b>Urban Tier Spacing of Commercial Nodes:</b> Use the following standards when evaluation requests for new commercial development:</p> <ul style="list-style-type: none"> <li>i. Separate distinct nodes of commercial development by a distance of at least one-half mile;</li> <li>ii. Cluster commercial uses at intersections of thoroughfares; and</li> <li>iii. Restrict new, isolated, mid-block commercial uses, unless compatible with surrounding uses.</li> </ul>
<b>2.3.1b</b>	<b>Contiguous Development:</b> Support orderly development patterns that take advantage of the existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Urban Growth Area.
<b>2.3.2a</b>	<b>Infrastructure Capacity.</b> Consider the impacts to the existing capacities of the transportation, water, and sewer systems, and other public facilities and services. Measure from the potential maximum impact of current policy or regulation to the potential maximum impact of the proposed change in policy or regulation.

Table E. Adopted Plans	
8.1.2j	<b>Transportation Level of Service Maintenance:</b> Not recommend approval for any zoning map change which would result in the average daily trips exceeding 110% of the adopted level of service standards for any adjacent road, unless the impact on the adjacent roads is mitigated.
8.1.4c and d	<b>Development Review and the Adopted Bicycle Plans:</b> Review development proposals in relation to the 2006 Comprehensive Durham Bicycle Transportation Plan and the Bicycle Component of the most recent adopted Long Range Transportation Plan, and seek dedication or reservation of right-of-way or easements and construction of facilities in conformance with that Plan and Complete Street design standards.
11.1.1a	<b>School Level of Service Standard:</b> The level of service for public school facilities shall be established as a maximum enrollment of 110 percent of the system's maximum permanent building capacity, measured on a system-wide basis for each type of facility.
11.1.1b	<b>Adequate Schools Facilities:</b> Recommend denial of all Zoning Map amendments that proposed to allow an increase in projected student generation over that of the existing zoning that would cause schools of any type to exceed the level of service.
<b>Long Range Bicycle Plan</b>	
Map 4-5 shows a proposed bicycle lane along West Cornwallis Road as recommended condition.	

## Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Commercial, office, convenience store with gasoline pumps, single-family residential	CG, CG(D), RS-M, RS-8	-P
East	Single-family residential	RS-10	N/A
South	Educational Facility (Middle School)	RS-10	N/A
West	Office, commercial	CG	N/A



## Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts	
West Cornwallis Road is the major road impacted by the proposed development. There are no scheduled NCDOT roadway improvement projects in the area.	
Affected Segments	West Cornwallis Road
Current Roadway Capacity (LOS D) (AADT)	13,300
Latest Traffic Volume (AADT)	8,100
Traffic Generated by Present Designation (average 24 hour)*	10
Traffic Generated by Proposed Designation (average 24 hour)**	139
Impact of Proposed Designation	+129

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2012)

West Cornwallis Road: 2-lane city/county class II arterial with left-turn lanes

Source of Latest Traffic Volume: 2011 NCDOT Traffic Count Map

\*Assumption- (Max Use of Existing Zone) RS-10: one single-family home

\*\* Assumption- (Max Use of Proposed Zoning) CG: single lane drive-up bank (ATM)

Table G2. Transit Impacts
Transit service is currently provided within one-quarter mile of this site along West Cornwallis Road (west of Legion Avenue) and Legion Avenue via DATA routes 10 and 10A.

Table G3. Utility Impacts
This site is served by City water and sewer.

Table G4. Drainage/Stormwater Impacts
The impacts of any change will be assessed at the time of site plan review. The subject site is of sufficient size and shape to accommodate appropriate stormwater facilities that may be required at this time.

Table G5. School Impacts			
The proposed zoning is not estimated to generate any students if developed at the maximum residential capacity. This represents the same number of students as the existing zoning. Durham Public Schools serving the site are Lakewood Elementary School, Githens Middle School (Rogers-Herr non-traditional option), and Jordan High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	16,832	7,717	9,980
Maximum Building Capacity (110% of Building Capacity)	18,515	8,489	10,978
20 <sup>th</sup> Day Attendance (2012-13 School Year)	16,150	7,212	9,476
Committed to Date (January 2010 – December 2012)	321	105	37
Available Capacity	2,044	1,172	1,465
Potential Students Generated – Current Zoning*	0	0	0
Potential Students Generated – Proposed Zoning**	0	0	0
Impact of Proposed Zoning	0	0	0

\*Assumption (Max Use of Existing Zone)- RS-10: 1 single-family house

\*\* Assumption (Max Use of Proposed Zoning)- CG: 2 apartments

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 152 GPD if developed to its maximum potential with the proposed zoning district. This represents a decrease of 3 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	26.96 MGD
Approved Zoning Map Changes (January 2010 – December 2012)	0.69 MGD
Available Capacity	9.35 MGD
Estimated Water Demand Under Present Zoning*	155 GPD
Potential Water Demand Under Proposed Zoning**	152 GPD
Potential Impact of Zoning Map Change	-3

Notes: MGD = Million gallons per day

\*Assumption (Max Use of Existing Zone)- RS-10: 1 single-family house

\*\* Assumption (Max Use of Proposed Zoning)- CG: 1,212 square feet of commercial use

## **Appendix K: Summary of Planning Commission Meeting**

Attachments:

7. Planning Commissioner's Written Comments
8. Ordinance Form